

Extra Discussion on Environmental Law for Several Cases in Industrial Zones

Nguyen Anh Thu, PhD¹, Nguyen Trong Diep, PhD² & Pham Hung Nhan, Master^{3*}

^{1,2}University of Law, Vietnam National University, Hanoi, Vietnam. ³Political School of Ca Mau Province, Vietnam.
Corresponding Author (Pham Hung Nhan) - hungnhantct@gmail.com*



DOI: <https://doi.org/10.38177/ajast.2023.7207>

Copyright: © 2023 Nguyen Anh Thu et al. This is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

Article Received: 15 March 2023

Article Accepted: 25 April 2023

Article Published: 09 May 2023

ABSTRACT

The study purpose is to present Extra Discussion on Environmental Law for several cases in industrial clusters. Method: qualitative and analytical methods, descriptive method for primary model, synthesis and discussion methods in this paper. The Law on Environmental Protection 2020 has added "residential community" to the scope of regulation and application to affirm the position and role of this important target group in environmental protection as well as realizing one of the objectives. throughout the Law is to protect people's health, ensure people live in a healthy environment. For the community to participate effectively in environmental protection activities, information plays an important role.

Keywords: Problems; Regulation; Industrial clusters; Environmental law.

1. Introduction

The Law on Environmental Protection 2020 abolishes the procedures for granting permits for discharge of wastewater into water sources and discharges wastewater into irrigation works, but integrates this content in the environmental clearance in order to unify responsibilities, authority and principles of integrated resource management. water; at the same time, drastically reducing administrative costs for businesses.

Hence we choose this topic with Research questions:

Question 1: What are **Extra Discussion on Environmental Law for several cases in industrial clusters?**

2. Methodology

Authors have used qualitative and analytical methods, descriptive method for primary model, synthesis and discussion methods in this paper.

We also used historical materialism method.

3. Main findings

3.1. The Environmental Law 2020

First we see:

Article 7. General regulations on protection of surface water environment.

1. The quality of water, sediment and aquatic environment of surface water sources must be monitored and evaluated; The load capacity of the surface water environment must be calculated, determined and published.

2. The source of discharge into the surface water environment must be managed in accordance with the purpose of use and the load-bearing capacity of the surface water environment. Failing to approve results of appraisal of environmental impact assessment reports or issue environmental permits for new investment projects that discharge

wastewater directly into the surface water environment which is no longer capable of carrying loads as announced by the State Council. competent state agencies, unless the investment project owner has a wastewater treatment plan that meets environmental technical regulations on surface water quality before being discharged into the receiving environment or has a recirculation plan, reuse in order not to generate more wastewater or investment projects in pollution treatment, reclamation, restoration and improvement of environmental quality in polluted areas.

3. River water environment protection must be based on the approach to integrated management by basin, must be associated with biodiversity conservation, aquatic environment protection, management of water source protection corridor, exploitation of water resources. exploitation and rational use of water resources.

Article 8. Surface water environmental protection activities.

1. Contents of surface water environmental protection include:

- (a) Statistics, assessment, reduction and treatment of wastewater discharged into the surface water environment;
- (b) Monitoring and evaluating the quality of water, sediment, aquatic environment of surface water sources and publicizing information for the management, exploitation and use of surface water;
- (c) Investigate and evaluate the load carrying capacity of the surface water environment; announce areas of surface water environment that are no longer capable of bearing loads; assess the quota for discharge of wastewater into the surface water environment;
- (d) Treat pollution, renovate, restore and improve the polluted surface water environment;
- (dd) Monitoring and assessing the quality of the inter-country surface water and river sediment environment and sharing information in accordance with the provisions of the law on environmental protection, international laws and practices.

2. The Ministry of Natural Resources and Environment has the following responsibilities:

- (a) Guidelines for assessing the load carrying capacity of the surface water environment for rivers and lakes; guidelines for assessment of surface water quality;
- (b) Organize the assessment of the quality of surface water, sediment, and load capacity of the surface water environment for inter-provincial rivers and lakes; organize inventory and assessment of waste sources, pollution levels and organize pollution treatment of inter-provincial rivers and lakes; formulate and submit to the Prime Minister for promulgation a plan on management of surface water quality for inter-provincial rivers and lakes, which plays an important role in socio-economic development and environmental protection;
- (c) Inspect the implementation of the plan on surface water environment quality management for inter-provincial rivers and lakes and solutions to prevent and minimize water pollution, improve water quality in inter-provincial rivers and lakes.

3. Provincial-level People's Committees have the following responsibilities:

- (a) Identify rivers and lakes within the province and other surface water sources in the area that play an important

role in socio-economic development and environmental protection; determine the sanitary protection zone in the area where daily-life water is taken, establish a corridor to protect surface water sources in the locality; identify aquatic habitats;

(b) Publicize information on sources of discharge into the surface water environment in the locality; collect information and data on the current state of the surface water environment, waste sources and total discharge into the surface water environment of inter-provincial rivers and lakes in the area under their management under the guidance of the Ministry of Natural Resources and Environment; direct the organization to assess damage caused by pollution and handle pollution of surface water environment in the locality according to regulations;

(c) Organize activities to prevent and control discharges into surface water sources in the locality; implement solutions to prevent and minimize pollution of surface water environment, improve surface water quality in the area according to surface water quality management plan;

(d) Organize the assessment of surface water and sediment environmental quality, assessment of load carrying capacity and wastewater discharge quotas for surface water sources specified at Point a of this Clause; publicize information on the surface water environment in the area that is no longer able to bear the load;

(dd) Promulgate and organize the implementation of the plan for surface water environment quality management as prescribed at Point a of this Clause; organize the implementation of the plan on management of surface water quality for inter-provincial rivers and lakes in the locality.

Article 10. Protection of underground water environment.

1. Underground water sources must be monitored and assessed in order to have timely response measures when detecting environmental parameters exceeding the allowable levels according to national environmental technical regulations or decreasing water levels. according to the law.

2. Drilling, exploration and exploitation of underground water must take measures to prevent pollution of the underground water environment.

3. Establishments that use toxic chemicals or radioactive substances must take measures to ensure that they do not leak or disperse toxic chemicals or radioactive substances into underground water sources.

4. Facilities, warehouses, storage yards, storage of raw materials, fuels, chemicals, and areas for storage and treatment of waste must be built to ensure technical safety and not cause pollution to the underground water environment.

5. Agencies, organizations, residential communities, households and individuals that pollute the underground water environment are responsible for handling pollution.

6. The protection of the underground water environment must comply with the provisions of this Law, the law on water resources and other relevant laws.

7. The Minister of Natural Resources and Environment shall detail the protection of the underground water environment.

8. Provincial-level People's Committees are responsible for protecting the underground water environment in the area according to the provisions of law.

3.2. Discuss a case study of Thi Vai river pollution

The self-cleaning ability of Thi Vai River is poor due to the small additional freshwater source and influenced by the semi-diurnal flow regime from the sea, pollutants tend to accumulate in the bottom sediments, and become entangled in the area.

In 2008, the act of discharging waste into the environment of Vedan Vietnam Company (located in Long Thanh district, Dong Nai province) was exposed by the Environmental Police Department, the Ministry of Public Security. When everything came to light, the Thi Vai river became a dead river, destroying the food source of thousands of households.

In July 2010, fishermen from Dong Nai, Ba Ria - Vung Tau and Ho Chi Minh City sued Vedan. A year later, this company accepted 100% compensation for the damage to the people of 3 provinces with the amount of over 220 billion VND. In which, fishermen in Ho Chi Minh City 50 billion, Ba Ria - Vung Tau 53 billion and Dong Nai 120 billion.

To solve the problem of objective and honest compensation, the authorities of the three provinces have set up assessment councils, appraised the damaged properties of fishermen and approved them fairly. Mr. Truong said: "Work is arranged logically from province to commune, hamlet. Council members are not only local leaders, officials of departments but also fishermen".

4. Discussion and Conclusion

The Law on Environmental Protection 2020 has approached environmental management methods for investment projects based on environmental criteria; screening and discouraging projects that occupy large areas of forest and rice land, affecting natural heritages and conservation areas; apply appropriate environmental management tools in each stage from strategy formulation, planning to investment project implementation. Accordingly, investment projects are classified into 04 groups: high risk of adverse impacts on the environment, high risk, little risk or no risk of adverse impacts on the environment.



Figure 1. Management of industrial zones (Source: Internet)

Declarations

Source of Funding

This study did not receive any grant from funding agencies in the public or not-for-profit sectors.

Competing Interests Statement

Authors have declared no competing interests.

Consent for Publication

The authors declare that they consented to the publication of this study.

Acknowledgement

Thank you editors, friends to assist this publication.

References

- Al-Damkhi, A.M., Khuraibet, A.M., Abdul-Wahab, S.A., & Al-Attar, F.A. (2009). Commentary: Toward defining the concept of environmental crime on the basis of sustainability. *Environmental Practice*, 11(2): 115–124. doi: <https://doi.org/10.1017/S1466046609090115>.
- Almer, C., & Goeschl, T. (2010). Environmental crime and punishment: empirical evidence from the German penal code. *Land Economics*, 86(4): 707–726. doi: <https://doi.org/10.3368/le.86.4.707>.
- Lynch, M.J. (2019). County-level environmental crime enforcement: A case study of environmental/green crimes in Fulton County, Georgia, 1998-2014. *Deviant Behavior*, 40(9): 1090–1104. doi: <https://doi.org/10.1080/01639625.2018.1461746>.
- Lynch, M.J., Stretesky, P.B., & Long, M.A. (2019). Environmental crime prosecutions in Ireland, 2004–2014. *International Journal of Comparative and Applied Criminal Justice*, 43(4): 277–293.
- Aarnio, A. (2011). Luentoja lainopillisen tutkimuksen teoriasta. Helsingin yliopiston oikeustieteellinen tiedekunta.
- Ahonen, J. (2015). Valvontaviranomainen yleisen edun valvojana lupaprosessissa – Esimerkkinä jätevedenpuhdistamoiden typenpoisto. *Ympäristöjuridiikka*.
- Do D. V. (2015). Scientific commentary on new points of Civil Code 2015, Hanoi: Hong Duc, Pages 133–148.
- V L Pham (2018). Crime on the environment Some theoretical and practical issues.
- PT Anh, DTN Huy, BTT Loan. (2020). Analysis of a Financial Model for Converting Industrial Waste Tires into Clean Energy for Environment Protection-A Model in Developing Countries. *Wseas Transactions on Environment and Development*, 1: 447–454.
- Statistisk sentralbyrå. (2021). Offences investigated. Retrieved October, 19 2021, from <https://www.ssb.no/en/sosiale-forhold-og-kriminalitet/kriminalitet-og-rettsvesen/statistikk/etterforskede-lovbrudd>.
- Stretesky, P.B., Long, M.A., & Lynch, M. (2014). *The treadmill of crime: Political economy and green criminology*, Routledge.

Wang Z, M Akhavan, MNI Kashkouli, MJC Opulencia, DTN Huy. (2022). Sustainable wastewater management from shale oil production wells: emerging opportunities and barriers. *Applied Water Science*, 12(7): 1–6.

ND Trung, DTN Huy, LL Yen, Diep NT. (2022). Assessment of the advantages, achievements and limitations and shortcomings in the construction of industrial infrastructure in Hanoi-And Recommendations for Building IC. *Journal of Language and Linguistic Studies*, 17(2).

Paukku E. (2022). Environmental crime in a welfare state - a case study on the prosecution of environmental crimes in Finland 2015-2020. *International Journal of Comparative and Applied Criminal Justice*, 2.